

Call to Order:

The meeting was called to order at 7:30 p.m. Present were Chair, Joan Duff, members Vincent Chiozzi, Jay Doherty, Eric Macaux (arrived at 7:39) Lelani Loder, and associate member Zach Bergeron; also present was Jacki Byerley, Town Planner.

Cider Hill Estates:

Ms. Byerley informed the Board that the developer of Cider Hill Way, an approved 3-lot subdivision, asked to establish the amount for their erosion control bond and performance guarantee. DPW requested that the erosion control bond be set at \$1,500.00 and the performance guarantee be set at \$31,600.00.

On a motion by Ms. Loder, seconded by Mr. Doherty, the Board moved to approve the establishment of the Erosion Control Bond in the amount of \$1,500.00 pursuant to Condition #33 of the Definitive Subdivision Plan approval dated October 12, 2004. **Vote:** Unanimous (4-0).

On a Motion by Ms. Loder, seconded by Mr. Doherty, the Board moved the performance guarantee for Cider Hill Way, which would serve three (3 lots) be set in the amount of \$31,600.00, which figure is valid if the guarantee is posted within 30 days. No Clearance Certificates will be issued until the Performance Guarantee has been secured and relevant conditions of approval have been completed. **Vote:** Unanimous (4-0).

Katsikis Estates:

The Board opened the public hearings that were continued from the December 11, 2012 meeting on an application by James and Tasia Katsikis for a Definitive Subdivision named Katsikis Estates as prepared by DK Engineering Associates, Inc. for a two (2) lot subdivision located at 11 Ballardvale Road. Dan Koravos of D.K. Engineering Associates, Inc, representing the applicants, gave the Board an update on the changes that were made to the plan based on comments from the DPW and Janet Bernardo of ESS Group, the peer reviewer. The updated plans now show a barrier between the steps in the infiltration trench and the fill extended across the trench for an opening of 3 ft. The extension of the fill was approved by Ms. Bernardo. Mr. Koravos has walked the property line with the abutting neighbor at 15 Ballardvale and marked the trench location. There is one tree tilting towards the property that the abutter is concerned about. He stated that when test pits were dug in the fall there did not appear to be any significant rootage, so he does not anticipate trees being damaged. Mr. Doherty noted that he went to the site earlier in the day and saw a large tree hanging over that caused him concern. He also stated that there were markings on some of the trees and asked if those trees were coming down. There was a discussion on who marked the trees and Deborah Properzio, 15 Ballardvale Road, stated that there had previously been white signs on those trees. She saw the electric company come out that morning, take down the signs, and mark those trees with big red "X"s. Ms. Duff noted that there recently was a tree meeting, so decisions must have been made on what trees had to come down. Ms. Duff asked if there was any sort of criteria that this tree would have to meet in order for it to have to be taken down. Ms. Byerley answered that she felt it would be a private decision between the two parties, but the Board could place a condition in their decision regarding the removal of the tree. Mr. Chiozzi questioned why MassDEP was reviewing the application instead of the Conservation Commission. Mr. Koravos answered that the Conservation Commission did not open a public hearing in the required time frame, so the

Katsikis Estates (cont'd):

applicants appealed to MassDEP. Ms. Byerley informed the Board that MassDEP would be conducting a site walk the next day. If MassDEP's review caused significant change to the drainage or the infiltration basin, the applicants would have to come back to the Planning Board for a modification. Mr. Doherty asked who would be maintaining the infiltration basin. Ms. Byerley answered that the submitted operation and maintenance plan called for the property owner to maintain it.

On a motion by Ms. Loder, seconded by Mr. Doherty, the Board voted to close the public hearings for the Definitive Subdivision and Earth Movement Special Permit for Katsikis Estates at 11 Ballardvale Road. **Vote:** Unanimous (4-0).

321-325 Lowell Street:

It should be noted that Ms. Loder recused herself from the discussion and left the room. Ms. Byerley stated that in April of 2012, the Board approved with conditions the construction of a 30,000 s.f. Medical Clinic at 321-325 Lowell Street. Condition 22 called for additional test pits to be witnessed by DPW to confirm a two foot separation between the infiltration basin and groundwater. The additional test pits determined that a 2 ft separation does not exist, so the infiltration basin has been redesigned, and the applicant is seeking the Board's approval for the new design per Condition 22. ESS Group, the peer reviewer hired by the Town, has reviewed the calculations of the new design to confirm it meets MassDEP Stormwater Management standards. They have recommended the addition of an 18" sump to the plan. The DPW agreed with this recommendation and requested information on the maintenance of the drainage system, because it will be connected to the Windsor Green Apartments' drainage system. The DPW also recommended a condition that the contractor jackhammer and raise to grade a paved-over manhole casting prior to the issuance of an occupancy permit, and they called for additional information on the revised detail. Ms. Byerley informed the Board that she received a memo today from the DPW and asked the applicant's engineer if he had time to review it. Rick Friberg of TEC, representing the applicant said he did read through DPW's comments, but he did not have time to respond in writing. He agreed with the assessment of both ESS Group and the DPW about the addition of the 18" sump and it has already been added to the plan. The maintenance of the drainage line was something that was addressed during the public hearings, by the applicant's attorney, Doug Hausler. It is written in the deed that if the parcels change from residential to a commercial use, the new owner of those properties would take ownership of the maintenance of everything within the private way. The medical building will be responsible for all of the maintenance. Ms. Byerley asked that he respond to DPW with that information. Mr. Friberg also noted that jack hammering to expose and lift the manhole cover in the driveway can be done during construction, but they would need permission from the adjacent property owner, Boston Sports Club, because it is in a shared driveway. Ms. Byerley asked if there was a possibility that permission would not be granted. Mr. Friberg responded that if permission was not received, access to the driveway could be gained during the construction of the 40B at Rolling Green when the driveway is reconstructed for signal improvements. Ms. Duff asked if that would be sufficient to meet DPW's requirements. Mr. Friberg answered that they are not making changes to the manhole, their connection is downstream of it, so raising and exposing the manhole cover does not affect the design. Mr. Bergeron asked if he was sure that the missing manhole is located in that driveway. Mr. Friberg answered that the DPW believes it is in the

321-325 Lowell Street (cont'd):

driveway right near the intersection of Lowell Street. Ms. Byerley asked Mr. Friberg to address the final comment by DPW, the revised detail for OSC19 on Sheet C-11. Mr. Friberg answered that the final comment from DPW pertains to vacuuming out the outlet control structure. There is a sump that will collect sediment as it flows through the infiltration basin, but the DPW believes that it will be a tight fit to get around the weir that is in the structure as there is only a 24" diameter access. Mr. Friberg believes there is adequate equipment available to clean the sump, but if necessary, a 36" manhole cover could be installed to make access easier. Ms. Byerley noted that it would be up to the Board to decide if they wanted the detail to be changed to reflect a 36" manhole cover. Mr. Bergeron asked what the logistics would be of getting into a 24" manhole cover. Mr. Friberg answered that a 6" or an 8" vacuum hose would have to be used. Ms. Byerley asked if it was standard that any maintenance company would have these smaller hoses, or would they need to hire a specific company. Mr. Friberg answered that any maintenance company should have hoses as small as 4". Ms. Byerley asked if there was a reason they were using a smaller structure instead of the standard size. He stated that there was a limitation to how deep that manhole can be without hitting the groundwater table. Mr. Bergeron asked who would be cleaning out the sump. Mr. Friberg answered that it would be the responsibility of the medical building's owner per the operation and maintenance plan. Ms. Byerley asked if the owners of the medical building will be aware of their responsibilities regarding the drainage system. Mr. Friberg answered that the owners of the medical building will inherit the operation and maintenance plan that was approved by the Board. Ms. Byerley let the Board know that they needed to determine if the applicant has provided sufficient information in their revision or if the Board would like additional information before the new design is approved. Mr. Bergeron and Mr. Chiozzi felt that the applicant should to provide more information in writing, but the applicant did not need to come before the Board again.

On a motion by Mr. Macaux seconded by Mr. Doherty, the Board moved to approve the revised plans conditioned on the applicant providing a written response answering the questions raised by the Department of Public Works in their memo dated January 22, 2013. **Vote:** Unanimous (4-0).

Adjournment: The meeting was adjourned at 7:56 p.m.